

India Habitat Centre

3352. DR. LAXMINARAYAN PANDEY : Will the Minister of URBAN AFFAIRS AND EMPLOYMENT be pleased to state :

(a) the Rules and Regulations of association of the India Habitat Centre, Lodhi Road, New Delhi, together with composition of its Board of Directors/Governors and Managing Committee;

(b) whether any assistance has been provided by the Government to the IHC;

(c) the criteria for entrance and enrolling in the said centre as a Associate Member;

(d) the details of persons enrolled as its Associate members alongwith enrolment fees paid by each member and the total amount collected from them so far;

(e) the number of persons applied for Membership and the number out of them rejected alongwith the reasons therefor;

(f) whether India Habitat Centre is functioning satisfactorily; and

(g) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT (DR. U. VENKATESWARLU) : (a) A copy of the Rules and Regulation of India Habitat Centre (IHC) is enclosed as statement. The present constitution of Governing Council is as under :

1. President (In selection)
2. Shri V. Suresh, CMD, HUDCO.
3. Shri B.S. Minhas, Joint Secretary, M/o UA&E
4. Dr. R.K. Pachauri, Director TERI
5. Shri P.P. Vora, CMD NHB
6. Dr. D.P. Chadha, President All India Bricks & Tiles Manufacturers Association.
7. Shri Rajat Nandi, Executive Director AIMA
8. Shri N. Srinivasan, Executive Director CII
9. Shri T.N. Gupta, Executive Director BMTPC
10. Prof. R.N. Iyengar, Director CBRI Roolee

(b) Since IHC is a registered society no funds or grants-in-aid are given to the India Habitat Centre by the Government of India. However, the Government land was leased to the Centre at institutional rates.

(c) The Governing Council of the IHC had constituted a Screening Committee to screen the applications received for membership. Application of persons seeking membership of the IHC were received from public in general and the membership offered to persons who, in the opinion of the Governing Council for IHC, can be expected to contribute to the objectives

for which the Centre is set up. However, the membership is now closed.

(d) A total of 5625 persons have been enrolled as Associate Members. 4882 members have paid entrance fees @ 5,000/- each amounting to Rs. 24410000 and 495 members paid entrance fee after revision @ 10,000/- each (w.e.f. 7/5/94) amounting to Rs. 4950000/-. 248 members are yet to pay the entrance fee. The total amount collected so far is Rs. 29360000/-.

(e) Total number of 14309 individuals applied for membership, out of which 8162 applications were not accepted for membership by the Governing Council.

(f) and (g) Institutional members are already functioning from the IHC. Some facilities of IHC are ready but have not become functional due to pending litigation.

Statement

India Habitat Centre Rules and Regulations

1. DEFINITION :

In these Rules and Regulations unless the context otherwise requires :

- (a) 'Centre' means the INDIA HABITAT CENTRE.
- (b) 'President' means the President of the General Body and Governing Council of the Centre.
- (c) 'Councils' means the Governing Council of the Centre.
- (d) 'Director' means the Director of the Centre.
- (e) 'General Body' means the General Body of the Centre.

2. MEMBERSHIP :

(a) INSTITUTIONAL MEMBERS :

All allottees of built areas or spaces in the Centre will be admitted as Institutional Members of the Centre.

Provided that if the Council is of the view that the admittance of any allottee may not help the Centre in the furtherance of the objectives of the Centre, it may not admit it as a member with the approval of the Ministry.

(b) CORPORATE MEMBERS :

Any other organisation or institution which has interest in the proper development of human settlements can be admitted as Corporate Member on such terms and conditions as the Council may determine.

(c) INDIVIDUAL MEMBERS :

Any person interested in the proper habitat related environmental issues may be admitted by the Council as an individual member in any one of the undermentioned specified class of individual

membership on such terms and conditions as the council may determine.

- (i) Founder Members
- (ii) Life Members
- (iii) Ordinary Members
- (iv) Associate Members
- (v) Temporary Members
- (vi) Long Term Temporary Members (Foreign National)
- (vii) Long Term Temporary Members (Indian National)
- (viii) NRI's and Individual Overseas Members
- (x) Research Associate

Provided, however that the number of persons who may be admitted as Ordinary Individual Members shall not exceed 500 for the time being.

(d) No institutional members shall transfer his membership to any other persons except with the previous permission of the Centre. Membership in all other categories is non-transferable.

(e) In the case of individuals nominated by institutional and Corporate members to use the facilities of the Centre, no charges can be made without the prior permission of the Centre.

(f) The Centres shall keep a roll of all members giving their addresses and occupations.

(g) The Centre will send a copy of its Annual Report to all its members.

(h) The financial year of the Centre shall be from the 1st day of April until the last day of March in the following year.

3. SHARING OF COSTS BY MEMBERS :

(a) The cost of land, development, construction and maintenance shall be distributed among the allottees determined by the Council in proportion of the space allotted to them in accordance with the formula laid down by the Council. In the event of default in payment resulting in dislocation and/or delay of work, the Promoter Member may be requested by the Council to provide the funds required for the continuance of the project undertaken by the Centre and the membership of the defaulting member shall stand suspended until the member clears all the dues together with the additional levy as may be imposed by the council. Further if the dues are not paid within the specified time, the allotment of space of the defaulting member and its membership of the Centre shall be cancelled after giving one month notice by Regd. Post on the address as in sub-para 6 of paragraph 2 above and allotment of space made to another institution as may be approved by the Governing Council.

(b) The allottees shall also pay to the Centre, the maintenance and other charges as may be determined and demanded by the Council from time to time.

(c) The Ordinary, Associate and Individual members shall pay such Entrance and Annual Membership fees as may be decided by the Council.

4. PATRONS :

The Union Minister and Minister of State for Urban Development shall be patrons of the Centre. The Centre may invite any eminent person to be patron of the Centre.

5. VISITORS :

The Council may invite persons of eminence not exceeding five at any time as Visitors for a period not exceeding three years at a time. A visitor shall not be required to pay any membership fee.

6. PRESIDENT :

The Institutional members shall select a person of eminence to be the President of the Centre for a term of two years and he shall be eligible for re-appointment. Till such time as such selection is made, the Secretary, Ministry of Urban Development shall remain President of the Centre.

7. DIRECTOR, TREASURER AND SECRETARY :

(a) The Director, Treasurer (Honorary or full time as required) and Secretary shall be appointed by the Council.

(b) The Director will be the Chief Executive of IHC and responsible to the Governing Council for all financial, administrative functions and duties delegated to him from time to time.

8. GENERAL BODY :

(a) The General Body shall consist of the following :

- (i) The President
- (ii) All Members of the Council
- (iii) Two nominees of each of the institutional members
- (iv) All Founder members
- (v) All Corporate members who will be represented by their Chief Executives.
- (vi) All Life Members
- (vii) All Ordinary Individual Members.

(b) There shall be held an Annual General meeting of the Centre once in every financial year at such date, time and place as may be decided by the President.

(c) The President may, whenever he thinks fit and also shall upon the requisition of not less than one third of the members of the General Body supported by not less than the one third of the Institutional members and

one third of the Life members, call a Special General Meeting.

(d) The director shall send information of the date, time and place of the meeting to all the members at least fifteen days before, the date of the meeting. Provided that the President may call a meeting at such shorter notice as he may direct for the transaction of any urgent business.

(e) A copy of the agenda with notes, if any, shall be circulated by the Director to all the members at least seven clear days before the date of meeting. Provided that in the case of a meeting called for the transaction of urgent business, the agenda and the notes thereon shall be sent alongwith the notice of the meeting.

(f) Notwithstanding that any member has not received the notice or the agenda, the meeting may proceed to transact the business on the agenda.

(g) Notwithstanding anything contained in Clause (5), any matter of an urgent nature which has not been included in the agenda of the meeting may with the approval of the person presiding, be placed before the meeting for its consideration.

(h) Every meeting shall be presided over by the President and in his absence, the members present and entitled to vote at the General Body meeting shall elect a Chairman of the meeting from amongst themselves and who shall preside over the meeting.

(i) All questions coming up before the meeting shall be decided by a majority of votes of the members present and in the case of equality of votes, the person presiding over the meeting shall have a second or casting vote. The nominee of an Institutional Member shall carry a letter of authority from the Institution he is representing.

(j) An Institutional Member who desires to move a proposition shall send notice of such proposition together with a brief note setting out the reasons in support of the proposition to the Director. Such proposition shall be included in the agenda of the next meeting to be held on a date not earlier than 15 days after the receipt of the notice. Provided that the President may in his discretion allow such proposition to be included in the agenda of an earlier meeting.

(k) A member desiring to ask any question in order to obtain any information concerning the affairs of the Centre shall give seven days notice of such question.

(l) A Corporate/Individual Member who desires to move a proposition shall send notice of such proposition to the Director. Such proposition shall be included in the agenda of the next meeting. Provided that at least 15 days notice have been given for the inclusion of the proposition. Provided however, that such proposition has been seconded by at least two Institutional Members.

(m) The person presiding shall decide on the admissibility of the proposition or question and shall

dis-allow the same, if in his opinion, it contravenes these Regulations or is, otherwise, inadmissible and his decision thereon shall be final.

(n) When a question is put to vote, the person presiding shall call for a show of hands and shall count the vote thus cast for or against the proposition and declare the result.

(o) The quorum for a meeting shall be one-third of the members in the General Body. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting if called on the requisition of members shall be dissolved. In any other case, it shall stand adjourned to such time and date as may be determined by the person presiding. The adjourned meeting shall proceed to transact business even if there be no quorum.

(p) The minutes of the proceedings of each meeting shall be drawn up by the Director and on approval by the persons presiding shall be circulated to the members of the Centre. After such circulation, the minutes shall be taken up for confirmation at the next meeting and shall be deemed confirmed unless any member present objects to the minutes as having been incorrectly or incompletely recorded; in which case, the person presiding after taking consensus of the members present at the meeting may make such amendments in the minutes as may be necessary and the amended minutes shall then be confirmed and signed by the person presiding.

9. GOVERNING COUNCIL :

(a) The Centre shall be controlled by and the management of the affairs shall be entrusted to a Council consisting of the following :

- (i) The President of the Centre.
- (ii) The Director of the Centre.
- (iii) One nominee of the Ministry of Urban Development.
- (iv) Chairman and Managing Director, HUDCO.
- (v) Nominees of the Institutional Members to be elected as follows :
 - (a) two members from amongst the institutions holding super built area upto and including 250 sqm.
 - (b) two members from amongst the institutions holding super built area above 250 sqm. but upto and including 1000 sqm.
 - (c) one member from amongst the institutions holding super built area above 1000 sqm. but upto and including 2500 sqm.
 - (d) one member from each of the institutions holding super built area above 2500 sqm

except HUDCO which finds, place in clause 4 above.

The nomination from each groups (a) and (d) will be held by the institutions in rotation in alphabetical order of the institution's name.

Provided that one Institutional Member may be represented on the Council by one individual only.

- (vi) Two members to be nominated by the President from amongst the Corporate Members according to the procedures laid down in this regard by the Council.
- (vii) Two members to be co-opted for their attainments in the habitat related fields or in the fields of education, science, culture, art or other areas by the Council who are persons active in public life.
- (viii) Two members to be nominated by the President from amongst individual Members in accordance with procedure, laid down in this regard by the Council.

The nomination of Governing Council should ensure that there should be atleast one lady member in the Council.

The tenure of Governing Council will be for a period of two years.

(b) The Secretary of the Centre will be the Secretary to the Council.

(c) The Council shall ordinarily meet once in every six months. The President shall preside over the meeting of the Council and in his absence, the members present shall elect from amongst themselves, a person who shall preside over the meeting.

(d) Six members shall form the quorum for the meeting.

(e) The President of the Centre may, in such cases as he may consider necessary, direct that any business may be circulated among the members and any resolution so circulated and approved by a majority of members signing shall be as effectual and binding as if such resolution had been passed at a meeting of the Council.

10. POWERS AND FUNCTIONS OF THE COUNCIL :

(a) The Council shall be responsible for the management and administration of the affairs of the Centre in accordance with these rules and regulations and bye-laws made thereunder for the furtherance of its objects, and shall have all powers which may be

(b) Without prejudice to the generality of the powers conferred by the foregoing clause, the Council shall have the power to :

- (i) take decision on applications for membership subject to Rule 2(2).
- (ii) prepare and execute detailed plans and programmes for the furtherance of the objects of the Centre.
- (iii) receive, have custody of and expend the funds of the Centre and manage the properties of the Centre.
- (iv) appoint and control such staff as may be required for the efficient management of the affairs of the Centre and regulate their recruitment and conditions of service.
- (v) provide for the welfare of the employees or ex-employees of the Centre and the wives, widows and families or the dependents or connections of such persons in the form and manner as may be decided by the Council.
- (vi) enter into agreement for and on behalf of the Centre.
- (vii) sue and defend all legal proceedings on behalf of the Centre.
- (viii) appoint committees for disposal of any business of the Centre or for advice in any matter pertaining to the Centre and make, adopt and vary from time to time bye-laws for the functioning of and for the purpose connected with the management and administration of the affairs of the Centres and for furtherance of its objects.
- (ix) pay all expenses incurred in the formation and carrying out the objects of the Centre.
- (x) hear and deal with complaints.
- (xi) purchase or otherwise acquire for the Centre any property including office equipment furniture, furnishing, etc. rights or privileges at such price and generally on such terms and conditions as it consider proper.
- (xii) secure the fulfilment of any contracts or engagements entered into by the Centre.
- (xiii) authorise any person to enter into negotiations and execute contracts and to rescind and vary all such contracts.
- (xiv) purchase or otherwise acquire lands, building, etc. to construct buildings, godowns, sheds, parks, parking spaces, quarters for the staff etc.,
- (xv) purchase machinery and stores etc.,
- (xvi) sell such portion of the lands or buildings of the Centre which are in excess of its requirements.
- (xvii) rent or lease the premises or assets of the Centre.

- (xviii) mortgage the property or assets of the Centre,
- (xix) open accounts with banks and authorise officer (s) of the Centre to operate on them as well as draw, accept, endorse and execute cheques, bills of exchange, promisory notes etc., on behalf of the Centre,
- (xx) lay down rules for the affixation and custody of common Seal of the Centre,
- (xxi) consider and approve Annual Report, Statement of Accounts for placing before the General Body for approval,
- (xxii) appoint Auditors and decide their remuneration,
- (xxiii) borrow with or without security and accept donations, deposit for the use and propose of the Centre,
- (xxiv) invest any money of the Centre not immediately required for any of its objects with any Nationalised Bank or HUDCO and deal with it,
- (xxv) appoint and pay to consultants, advisors and construction management design consultants etc.,
- (xxvi) delegate from time to time all or any of its powers to the Executive Committee or any other Committee which it may form for the purpose, to the Director or any other officer of the Centre as may be found necessary for the efficient administration of the affairs of the Centre,
- (xxvii) do all such other acts and things as are incidental to or which the Council may think conducive to the attainment of the objects of the Centre or any of them.

11. EXECUTIVE COMMITTEE :

(a) An Executive Committee shall be constituted with delegation of powers relating to finance, administration, construction, payments, maintenance, facilities management, allotment and renting of space, legal affairs, matters relating to membership and other day to day matters for running of the Centre, constituted as follows :

- (i) President, IHC - Chairman
- (ii) CMD, HUDCO - Member
- (iii) Director, IHC - Member
- (iv) Three persons to be elected by Governing Council from amongst themselves, of which two persons should be representing institutional members.
- (v) The nominee of the Ministry of Urban Development on the Governing Council will also be member.

The Director IHC shall be the Convenor of the Executive Committee.

(b) The powers and functions of the Executive Committee will be as are delegated to it by the Governing Council from time to time.

(c) Three members will constitute the quorum, one of them necessarily being either the President or the Director.

(d) The Executive Committee shall meet as often as considered necessary by the President, but not less than four times in a year.

(e) The Executive Committee will function till such time as a fresh Committee is constituted.

(f) The Executive Committee may co-opt any persons as deemed fit for transaction and disposal of any matter considered by it. Such co-opted member will not be entitled to vote.

12. COMMITTEES :

The Council may constitute committees and sub-committees for performing such functions as it may deem necessary. Every Committee shall have convenor and such other members as the Council may deem fit. The Council shall have power to issue such directions to any committee as it deems fit and the committee shall abide by such directions.

13. FUNDS, BUDGET, ACCOUNTS AND AUDIT :

(a) The Centre will have its own funds and all receipts of the Centre will be credited to the said fund.

(b) All moneys belonging to the said funds shall be deposited in any Nationalised Bank or Banks or HUDCO as may be approved by the Executive Committee.

(c) All transactions of the above funds shall be carried out in the name of Executive Committee by the Director or any other officer authorised by the Council in this behalf.

(d) All sums received shall be credited to the above in the first instance. No receipt shall be directly appropriated towards expenditure.

(e) All payments out of the fund shall preferably be made through cheques by such officer or officers as may be authorised by the Council. Provided that petty payment of amounts below Rs. 5000 may be made in cash.

(f) Any moneys lying at the credit of the Centre in the fund and not immediately required by it for the purpose of the business of the Centre may be invested by the Director in accordance with guidelines given by the Council.

(g) The Director shall prepare and submit to the Council for approval, as far as may be possible, in the month of December every year, a budget for the following financial year showing the estimated receipts and expenditure during the financial year.

(h) The budget so framed shall be scrutinised and approved by the Council which may make such modification as it deems necessary.

(i) The Director shall be responsible for proper maintenance of accounts of the Centre.

(j) The principal books of accounts shall consist of ledger, journal and cash book. These shall be maintained in accordance with such instructions as may be issued from time to time by the Council. Besides, these principal books, such other subsidiary books as are necessary to show details of all assets such as land, buildings etc., and also for clearance of suspense transactions shall be maintained as deemed necessary.

(k) The income and expenditure of the Centre shall be classified under various heads of accounts as the Director may deem necessary for purposes of information and control.

(l) All payments shall be made by the Director or any officer authorised by him.

(m) At the end of each financial year, the Director shall prepare an Annual statement of Accounts.

(n) The Annual Accounts so prepared shall be subject to audit by the Auditors appointed by the council. The Director shall produce all accounts registers, documents and subsidiary papers which may be called for by the Auditors.

(o) The audit report shall be submitted to the Council. The council shall then place the audit report before the General Body with its remarks.

14. BYE-LAWS :

The council may from time to time make bye-laws for carrying out the purpose of these Rules and Regulations.

15. ALTERATION AND INTERPRETATION OF RULES AND REGULATIONS :

(a) Rules and Regulations shall be altered, extended abridged only with the approval of the Governing council and the General Body.

(b) Amendments to the Constitution and the Rules and Regulations of the Centre may be made by the Governing Council by 2/3rd majority of members present and voting at the meeting convened for the purpose provided further that not less than four nominees of institutional Members voting in favour of the amendment.

16. ANNUAL LIST OF GOVERNING COUNCIL :

Once in every year, a list of the members of the Council shall be filed with the Registrar of Societies, Delhi as required under Section 4 of the Societies Registration Act, 1860.

17. LEGAL PROCEEDINGS :

The Centre may sue or be sued in the name of the

18. AMENDMENT OF MEMORANDUM OF ASSOCIATION :

Any kind of amendment in the Memorandum of Association shall be made as per provision of Section 12 and 12(A) of the Societies Registration Act, 1860 as applicable to the Union territory of Delhi.

19. DISSOLUTION AND ADJUSTMENT OF AFFAIRS :

If the Centre needs to be dissolved, it shall be dissolved as per provisions laid down under Section 13 and 14 of the Societies Registration Act, 1860 as applicable to the Union territory of Delhi.

20. APPLICATION OF THE ACTION OF THE ACT :

All the provisions under all the Sections of the Society Registration Act, 1860 as applicable to the Territory of Delhi shall apply to this Centre.

Certified that this is the correct copy of the Rules and Regulations of the Centre.

Sd/-
President

Sd/-
Director

Subletting of Garages

3353. SHRI S. AJAY KUMAR : Will the Minister of URBAN AFFAIRS AND EMPLOYMENT be pleased to state :

(a) whether the Ministry has received any representation through Office of the Prime Minister regarding unauthorised construction and subletting of garages in Sector D, Type II, Mandir Marg, DIZ Area and other areas where Government accommodation has been allotted in New Delhi;

(b) if so, the total number of such cases detected so far; and

(c) the action taken or proposed to be taken by the Ministry in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT (DR. U. VENKATESWARLU) : (a) Yes, Sir.

(b) and (c) In Sector-D Mandir Marg 15 garages were inspected. 6 garages were found locked. In 8 garages there was no subletting. In one case misuse of the garage as a tailoring shop was detected. 3 cases of unauthorised constructions were also detected in this Sector (Type II). Show Cause Notices have been issued to all these allottees.

Oceanarium

3354. SHRI CHURCHILL ALEMAO :

SHRI SULTAN SALAHUDDIN OWAISI :

Will the PRIME MINISTER be pleased to state :

(a) whether attention of the Government has been drawn to the item captioned "India's first